

Title	Program Guidelines for Court-Appointed Special Advocates (amend Cal. Rules of Court, rule 1424)
Summary	Changes to rule 1424 are proposed to (1) strengthen several requirements of CASA program operations and management, including, volunteer screening and supervision, program grievance procedures, program fundraising, confidentiality, and program governance, and (2) require programs to adhere to national CASA standards.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
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Discussion	<p>In order to ensure high-quality CASA services to children throughout the state, rule 1424 requirements need to be strengthened in several areas. As part of its monitoring and evaluation responsibilities, the Administrative Office of the Courts, Center for Families, Children &amp; the Courts, in partnership with the California Court Appointed Special Advocates Association (CalCASA), has been conducting a statewide assessment of local CASA programs since 1999 to assess the local programs' compliance with rule 1424. As a result, the assessment identified the following areas in the rule needing improvement: (1) volunteer screening, (2) volunteer supervision, (3) grievance procedures, (4) the role of the advisory board, (5) confidentiality, (6) prohibition against the receipt of funding from certain sources that would create either a conflict of interest or the appearance of conflict, (7) disposal of confidential records, and (8) the role of the judge.</p> <p><u>Volunteer Screening</u></p> <p>Rule 1424(b)(2)(F) would be amended to require that the volunteer be personally interviewed and that all notes of the interview be kept in the volunteer's personnel file.</p> <p>Rule 1424 (b)(2)(D) would be amended to require mandatory use of fingerprinting or a Live Scan check of criminal records by the California Department of Justice. The CASA programs will be required to request a criminal records check by the Federal Bureau of Investigations by January 1, 2006.</p>

Volunteer Training

Rule 1424 (c)(1) and (c)(6) would be amended to require that the initial training curriculum include: (1) permanency planning and resources; (2) the effects of domestic violence on children; (3) relevant state and federal laws including the Adoption and Safe Families Act (ASFA), the Child Abuse Prevention and Treatment Act (CAPTA), the Indian Child Welfare Act (ICWA), and the Multi Ethnic Placement Act (MEPA); (4) information regarding the special needs of the children served; (5) cultural and socioeconomic challenges; (6) confidentiality and record-keeping practices; and (7) family law training for CASA volunteers working with family court cases.

Volunteer Supervision

Rule 1424(h)(i)(F) would be amended to require that each CASA volunteer be reviewed by the CASA program staff supervisor at least every 60 days; that this review include the progress, status, and prospective activities of the cases to which the volunteer is assigned; and that the review be recorded in the volunteer's personnel file. The rule would also require case conferences between the volunteer and supervisor that would cover the items in a checklist or protocol adopted by the CASA program for this purpose. The checklist and a brief written record of the case review would be preserved in each case file.

Rule 1424(h)(1)(D) would be amended to require that CASA program caseload guidelines address both the quantity and quality of supervision as well as the extent to which support staff are available to assist the program supervisor. General guidelines will limit the supervisor's caseload to no more than 30 volunteers or 40 to 45 children, but alternate caseload standards for special programs may be allowed.

Grievance Procedures

Rule 1424(g)(1)(I) would be amended to require that each program have a grievance procedure that allows for any person to bring a grievance against a volunteer or the program. Currently, the rule only permits parties and volunteers to bring grievances, and there have been instances of others wishing to bring a complaint against a volunteer or program.

Advisory Board

Rule 1424(j)(1)(A)(ii) would be amended to clarify that the board be responsible for the development of community resources as opposed to fund development. Board members have been interpreting this

subsection to mean fundraising.

#### Conflicts of Interest

Rule 1424(j)(1)(A) would be amended to prohibit programs from receiving funds from local child welfare agencies, probation departments if they are serving children in the delinquency system, and the California Department of Social Services. The rule would provide a grace period ending in 2005 by which programs currently receiving funds from local child welfare agencies, probation departments, and the California Department of Social Services would need to cease such funding.

#### Confidentiality

Rule 1424(n)(3) would be amended to require that the child's original case file be maintained and remain in the CASA office by a custodian of records. Copies of documents needed by a volunteer would be restricted to those actually needed to conduct necessary business outside of the office.

#### Disposal of Confidential Records

Rule 1424(k)(9) would be added to require that CASA programs conform to the California CASA Association's established protocol for the disposal of property and confidential records.

#### Judge's Role

Rule 1424(j)(1)(A)(iv) would be amended to conform to the Code of Judicial Ethics, Canon 4.D(3), which prohibits judges from fundraising, but also to clarify that judges can sit on the advisory board of CASA programs.

#### Incorporation of National CASA Standards

In an effort to create uniformity of statewide CASA programs, rule 1424 would be amended to ensure the highest standards for child advocacy in juvenile court proceedings. The following standards were identified for incorporation into rule 1424: (1) program and volunteer requirements for the safe transportation of children; (2) initial screening process of prospective volunteers to include appropriate criminal record checks; (3) initial training curriculum to be increased to 30 hours of training and include an expanded list of topic areas; (4) expanded list of volunteers' duties and responsibilities; (5) list of prohibited activities; (6) annual volunteer training to be increased to 12 hours per calendar year; (7) procedure for termination of volunteers; (8) inclusion of grievance procedure; (9) documentation to be included in volunteers' files; and (10) those items related to case development and volunteer assessment that must be documented.

Welfare and Institutions Code section 100 requires the Judicial Council to adopt rules of court consistent with the standards, requirements, and guidelines established by the National Court Appointed Special Advocate Association (National CASA). Excluding the national standards on human resources management, rule 1424 would incorporate all other requirements from National CASA's recently promulgated standards, including finance, facility, and risk management and public relations.

Comments Solicited

The Family and Juvenile Law Advisory Committee members and CASA staff would like comments on the following questions:

1. Per rule 1424(b)(3)(B), should a CASA program's screening process include background checks that contain both the potential volunteer's history of arrests in addition to the history of convictions?
2. Per rule 1424(b)(3)(C), should a CASA program's screening process include criteria to determine a volunteer candidate's history of substance abuse, and if so, what criteria should be used?
3. Per rule 1424(f)(C) under [Prohibited activities], should (C) "Giving money or expensive gifts to the child or family;" be a prohibited activity? Please explain your answer and, if possible, discuss money and gifts separately.
4. The amended rule includes all of the National CASA Standards except human resource management. If this section were included in the rule it would be a reference document integrating both state and national CASA guidelines. Please comment on whether or not human resource management is an appropriate subject for a California Rule of Court.

The proposed revised rule is attached at pages 5–27.

Attachment

Rule 1424 of the California Rules of Court would be amended, effective January 1, 2004, to read:

**Rule 1424. Program guidelines for Court-Appointed Special Advocate programs**

**(a) [Definitions]**

(1) A “CASA program” is the local court-appointed special advocate program, or variation thereof, which has adopted and adheres to these guidelines and which has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings. The CASA program adopts and adheres to these guidelines by developing and implementing a “Policies and Procedures” manual that contains written plans for:

(A) Recruiting, screening, selecting, and training CASA volunteers;

(B) Volunteers’ duties, responsibilities, and prohibited activities;

(C) Appointment, oversight, support, supervision, removal, resignation, and termination of CASA volunteers;

(D) CASA program administration and management;

(E) Finance, facility, and risk management;

(F) Public relations;

(G) Confidentiality; and

(H) The timely distribution of court reports.

(2)–(3) \*\*\*

(4) A “wardship proceeding” is a legal action involving a child under the age of 18 years who is alleged to be:

1                    ~~(i)~~ a (A) A person described under Welfare and Institutions Code  
2                    section 601 (who is beyond parental control or habitually  
3                    disobedient or truant); or  
4

5                    ~~(ii)~~ a (B) A person described under Welfare and Institutions Code  
6                    section 602 (who has violated any state or federal law or any  
7                    city or county ordinance).  
8

9                    **(b) [Recruiting, screening, and selecting CASA volunteers]**  
10

11                    (1) A CASA program ~~shall~~ must adopt and adhere to a written plan for  
12                    the recruitment of potential CASA volunteers. The following  
13                    considerations are essential to the effective recruitment of qualified  
14                    CASA volunteers:  
15

16                    (A) The recruitment effort ~~shall~~ must clearly explain the purposes  
17                    of the CASA program and its role on behalf of children in  
18                    juvenile court proceedings;  
19

20                    (B) The recruitment effort ~~shall~~ must define the role and  
21                    responsibilities of the CASA volunteer in such proceedings;  
22

23                    (C) The recruitment effort ~~shall~~ must emphasize the degree and  
24                    duration of the commitment expected of the CASA volunteer.  
25                    The CASA volunteer should be prepared to commit to a  
26                    minimum of one year of service to a child and may be called  
27                    upon to commit to several hours per week of duty;  
28

29                    (D) The recruitment effort ~~shall~~ must address the demographics of  
30                    the jurisdiction by making all reasonable efforts to ensure that  
31                    individuals representing all sectors of the community and all  
32                    racial, ethnic, linguistic, and economic subgroups within it are  
33                    recruited and made available for appointment as CASA  
34                    volunteers; and  
35

36                    (E) The recruitment effort ~~should~~ must include, to the extent  
37                    feasible, some individuals who are able to work effectively  
38                    with children who have special needs such as those with  
39                    hearing, sight, or speech impairment; developmental  
40                    disability; physical or mental disability; or any other  
41                    condition requiring an individual with special skills for  
42                    communication and advocacy.  
43

1 (2) A CASA program ~~shall~~ must adopt and adhere to a written  
2 screening procedure for potential CASA volunteers. The following  
3 considerations are essential to the effective screening of qualified  
4 CASA volunteers:  
5

6 (A) The screening procedure ~~shall~~ must be designed and  
7 implemented to ensure that those accepted for training are of  
8 good character, competent to fulfill the role of a CASA  
9 volunteer, and willing to commit the time and energy  
10 necessary to effectively present and advance the best interests  
11 of a child or children in juvenile court proceedings;  
12

13 (B) The screening procedure ~~shall~~ must include an information  
14 and orientation mechanism for aspiring CASA volunteers,  
15 presenting such topics as the role of the juvenile court,  
16 including its relationship to the child welfare agency in child  
17 abuse and neglect cases, the general CASA concept, a  
18 description of the local CASA program, and the role and  
19 responsibilities of the CASA volunteer;  
20

21 (C) The screening procedure ~~shall~~ must include a written  
22 application that generates adequate identifying data;  
23 information regarding the applicant's education, training, and  
24 experience; minimum age requirements; current and past  
25 employment; demonstrated interest in children and their  
26 welfare; personal experience with child abuse and neglect that  
27 bears upon the applicant's ability to be effective in these  
28 types of cases; and a statement of commitment to the role and  
29 responsibilities of a CASA volunteer;  
30

31 (D) The screening procedure ~~shall~~ must include notice to the  
32 applicant that a formal security check will be made including  
33 inquiries, through appropriate law enforcement agencies,  
34 regarding any criminal record, driving record, or other record  
35 of conduct that would disqualify the applicant from service as  
36 a CASA volunteer. The security check ~~should~~ must include a  
37 fingerprinting or Live Scan check by the California  
38 Department of Justice, and reference to criminal registries in  
39 appropriate states a motor vehicles division record check, and  
40 child protective services check. It should also ensure that the  
41 CASA volunteer has adequate motor vehicle insurance  
42 coverage if use of a motor vehicle will be necessary to the  
43 performance of duty. If a volunteer has lived in another state

1 within the past five years, the CASA program should also  
2 conduct a Federal Bureau of Investigations (FBI) criminal  
3 record check in that state. All CASA programs must  
4 implement a policy to conduct FBI checks for all applicants  
5 by January 1, 2006. Refusal to consent to a formal security  
6 check ~~shall be~~ is grounds for rejecting an applicant;  
7

8 (E) The screening procedure ~~shall~~ must include a minimum of  
9 three references regarding the character, competence, and  
10 reliability of the applicant and suitability for assuming the  
11 role of a CASA volunteer; and  
12

13 (F) The screening procedure ~~shall~~ must include a personal  
14 interview or interviews by a person or persons approved by  
15 the presiding juvenile court judge or his or her designee  
16 probing the essential areas of concern with respect to the  
17 qualities of an effective CASA volunteer. A written,  
18 confidential record of the interview and the interviewer's  
19 assessments and observations ~~should~~ must be made; and kept  
20 in the advocate's file.  
21

22 (G) A CASA program must not permit volunteers to provide  
23 transportation to children unless it has sufficient liability  
24 insurance to cover the program. If a CASA program allows its  
25 volunteers to provide transportation to children, it must have  
26 policies and procedures that ensure that the CASA volunteer:  
27

28 (i) Possesses a valid and current driver's license;  
29

30 (ii) Has a safe driving record and a safe vehicle;  
31

32 (iii) Has adequate personal automobile insurance;  
33

34 (iv) Obtains permission of the necessary staff;  
35

36 (v) Obtains permission of the child's guardian or custodial  
37 agency;  
38

39 (vi) Is knowledgeable of the potential personal risk of  
40 liability; and  
41

42 (vii) Chooses to accept the responsibility of transporting a  
43 child.



1  
2 (H) The CASA program may require verification of the items  
3 listed under (G) during the screening process. The CASA  
4 program must conduct periodic checks on the validity of  
5 items (i)–(iii).  
6

7 (3) A CASA program ~~shall~~ must adopt and adhere to a written  
8 preliminary selection procedure for CASA candidates regarding  
9 entry into the CASA training program. The following  
10 considerations are essential to the effective selection of CASA  
11 volunteer trainees:  
12

13 (A) The selection procedure ~~should~~ must be designed and  
14 implemented to ensure that those selected recognize the  
15 seriousness of the role to which they aspire and the demands  
16 ~~that it~~ the role will make upon them; ~~and,~~  
17

18 ~~(B) The selection procedure should ensure that those not selected~~  
19 ~~are treated with dignity and respect and, if possible, referred~~  
20 ~~to alternative volunteer opportunities more suitable for them.~~  
21

22 (B) Any applicant found to have been convicted of or having  
23 current charges pending for a felony or misdemeanor  
24 involving a sex offense, child abuse or neglect, or acts that  
25 would pose risks to children or the CASA program’s  
26 credibility must not be accepted as a CASA volunteer. This  
27 policy must be stated on the volunteer application form.  
28

29 (C) If an applicant is found to have committed a misdemeanor or  
30 felony that is unrelated to or would not pose a risk to children  
31 and that would not negatively affect the credibility of the  
32 CASA program, the CASA program may consider the extent  
33 of the applicant’s rehabilitation since the misdemeanor or  
34 felony was committed as well as other factors that may  
35 influence the decision to accept the applicant as a CASA  
36 volunteer.  
37

38 (D) The selection procedure must ensure that those not  
39 selected are treated with dignity and respect and, when  
40 appropriate, referred to alternative volunteer opportunities  
41 more suitable for them.  
42

1 (c) **[Training of CASA volunteers]** A CASA program ~~shall~~ must adopt  
2 and adhere to a written plan for the initial training of CASA volunteers.  
3 A CASA program must review its written plan annually and make  
4 revisions based on the program's assessment of its training needs. The  
5 following considerations are essential to the initial training and final  
6 selection of CASA volunteers:  
7

8 (1) The initial training curriculum ~~shall~~ must include at least 24 30  
9 hours of formal instruction covering the following topic areas:

10  
11 (A) Child Development and Family Systems

12  
13 (B) Dynamics of Child Abuse and Neglect

14  
15 (C) Effects of Domestic Violence on Children

16  
17 (D) Effects of Parental Substance Abuse on Children

18  
19 (E) The Role of Law Enforcement

20  
21 (F) The Role of the Child Welfare Agency

22  
23 (G) The Role of the Juvenile Court and Its Key Participants

24  
25 (H) Dependency Law and Procedure

26  
27 (I) An Introduction to Discovery and Evidence

28  
29 (J) Court Appearances and Testimony

30  
31 (K) Permanency Planning and Resources

32  
33 (L) Ethics, Confidentiality of Information, and Mandated  
34 Reporting

35  
36 (M) Community Resources for Children

37  
38 (N) Cross-Cultural Issues

39  
40 (O) The CASA Concept

41  
42 (P) The Local CASA Program  
43

1 (Q) The Role and Responsibilities of the CASA Volunteer

2  
3 (R) Investigation

4  
5 (S) Interviewing

6  
7 (T) Report Writing and Verification

8  
9 (U) Advocacy

10  
11 (V) Relevant state and federal laws, including the Adoption and  
12 Safe Families Act (ASFA), the Child Abuse Prevention and  
13 Treatment Act (CAPTA), the Indian Child Welfare Act  
14 (ICWA), and the Multiethnic Placement Act (MEPA)

15  
16 (W) Special needs of the children served: cultural, educational,  
17 and socioeconomic challenges

18  
19 (X) Confidentiality and record-keeping practices

20  
21 (Y) Any other subject deemed appropriate by the CASA program  
22 director or the juvenile court presiding judge. If volunteers  
23 will be assigned to wardship cases, the initial training ~~shall~~  
24 must include instruction on relevant juvenile court law.

25  
26 (2) The initial training program ~~shall~~ must include, with permission  
27 from the presiding juvenile court judge, an opportunity for each  
28 trainee to visit the juvenile court while it is in session and observe  
29 proceedings similar to those in which he or she would be involved  
30 as a CASA volunteer as well as the opportunity to visit a local  
31 child welfare agency and other community agencies and  
32 institutions relevant to the work of a CASA volunteer.

33  
34 (3)–(5) \*\*\*

35  
36 (6) If the CASA program is providing child advocacy in family law  
37 disputes, the program must provide those volunteers with  
38 appropriate training in addition to the training required under this  
39 rule. Child advocacy training should be developed in collaboration  
40 with the local family court.  
41

1           (7) The final selection process is contingent on the successful  
2           completion of the initial training program, as determined by the  
3           presiding judge of the juvenile court or his or her designee.  
4

5           (d) \*\*\*  
6

7           (e) **[Duties and responsibilities]**  
8

9           (1) CASA volunteers serve at the discretion of the court having  
10          jurisdiction over the proceeding in which the volunteer has been  
11          appointed. A CASA volunteer is an officer of the court and is  
12          bound by all court rules.  
13

14          (2) A CASA program ~~shall~~ must develop and adopt a written  
15          description of duties and responsibilities, consistent with local  
16          court rules, which ~~shall~~ must address ~~at least~~ the following:  
17

18               (A)–(I) \*\*\*  
19

20               (J) Interviewing appropriate parties involved in the case,  
21               including the child;  
22

23               ~~(J)~~(K) Communicating and coordinating efforts with the child's  
24               social worker, probation officer, and attorney; ~~and~~  
25

26               (L) Representing the child's best interest by having the CASA  
27               volunteer attend all court hearings. When it is not possible for  
28               the CASA volunteer to attend a hearing, the CASA  
29               Supervisor must attend that hearing;  
30

31               (M) Maintaining complete records about the case, including  
32               appointments, interviews, and information gathered about the  
33               child and the child's life circumstances; and  
34

35               ~~(K)~~(N) Other duties and responsibilities as determined by the  
36               presiding juvenile court judge or a designee.  
37

38           (f) **[Prohibited activities]**  
39

40           A CASA program must develop and adopt a written description of  
41           prohibited activities, consistent with local court rules, that must address  
42           at least the following:  
43

1                   (A) Taking a child to the CASA volunteer's home;

2  
3                   (B) Giving legal advice or therapeutic counseling;

4  
5                   (C) Giving money or expensive gifts to the child or family; and

6  
7                   (D) Being related to any parties involved in a case or being  
8                   employed in a position and/or agency that might result in a  
9                   conflict of interest.

10       (~~f~~)(g)   \*\*\*

11  
12       (~~g~~)(h)   **[Oversight, support, and supervision of CASA volunteers]**

13  
14           (1) A CASA program ~~shall~~ must adopt and adhere to a written plan,  
15           approved by the presiding juvenile court judge, for the oversight,  
16           support, and supervision of CASA volunteers in the performance  
17           of their duties. The following considerations are essential to the  
18           effective oversight and supervision of CASA volunteers:

19  
20           (A) \*\*\*

21  
22           (B) The written oversight, support, and supervision plan must  
23           ensure that each program supervisor's caseload is of an  
24           appropriate size so that the volunteer supervision provided  
25           meets the requirements set by this rule;

26  
27           (C) Supervisor caseload guidelines must address both the quantity  
28           and quality of supervision required in each case, as well as  
29           the extent to which support staff are available to assist the  
30           program supervisor;

31  
32           (D) As a general rule, the guidelines should limit each program  
33           supervisor's caseload to no more than 30 volunteers, or 40 to  
34           45 children. The guidelines, however, may allow for an  
35           alternate caseload standard for special programs where the  
36           circumstances surrounding each case justify a different  
37           standard.

38  
39           (~~B~~)(E) The written oversight, support, and supervision plan ~~shall~~  
40           must be designed and implemented to ensure that the CASA  
41           program staff can readily determine the status of a case  
42           assigned to a CASA volunteer; assess the needs of the  
43           volunteer for support with respect to any aspect of the case;

1 evaluate the performance of the volunteer in presenting and  
2 promoting the best interests of the child; and provide  
3 whatever support or other intervention as may be appropriate  
4 to the circumstances of the particular case;  
5

6 ~~(C)~~(F) The written oversight, support, and supervision plan ~~shall~~  
7 must include an accurate case-assignment record; an up-to-  
8 date calendar; a monthly case log system; and regularly  
9 scheduled case conferences, such as:

10  
11 (i) ~~during which~~ The CASA volunteer ~~meets personally~~  
12 ~~with~~ and a CASA program staff person must contact  
13 one another at least every 60 days to review the  
14 progress, status, and prospective activities of the cases to  
15 which the volunteer is assigned. Case conferences  
16 ~~should~~ must ~~occur at least every 60 days and should~~ be  
17 conducted with reference to the case file and a checklist  
18 or protocol adopted by the CASA program for this  
19 purpose.  
20

21 (ii) The checklist and a brief written record of the case  
22 review and conference ~~should~~ must be preserved in the  
23 case file;  
24

25 ~~(D)~~(G) \*\*\*  
26

27 ~~(F)~~(H) The plan ~~shall~~ must include an annual evaluation procedure  
28 to confirm the continuing qualification of the CASA  
29 volunteer. This procedure ~~should~~ must include analysis of  
30 case files and the case review records; the volunteer's record  
31 with respect to ongoing training and continuing education;  
32 inquiries to the juvenile court officers in whose courts the  
33 volunteer has received assignments; follow-up security  
34 checks if warranted; and such other information as may have  
35 come to the attention of CASA program staff. A written  
36 record of the evaluation ~~shall~~ must be maintained in the  
37 volunteer's file;  
38

39 ~~(G)~~(I) ~~The plan shall include a procedure for reviewing grievances~~  
40 ~~by the volunteer or by any party brought against the~~  
41 ~~volunteer; and~~ The CASA program must adopt and adhere to  
42 a written grievance procedure and retain documentation in the  
43 volunteer's personnel file. The procedure must be provided to

1                    any person, including volunteers, who have a grievance  
2                    against a volunteer or an employee of the CASA program.  
3                    This procedure must include:

4  
5                    (i) The opportunity and means to lodge grievances and  
6                    appeals;

7  
8                    (ii) Written notice to the complainant within 10 business  
9                    days of the resolution of the initial complaint or the  
10                   appeal; and

11  
12                   (iii) Copy of the notification and complaint or the appeal  
13                   maintained by the CASA program.

14  
15                   ~~(H)~~(J) \*\*\*

16  
17                   (2) A CASA program ~~shall~~ must adopt and adhere to a written plan for  
18                   the ongoing training and continuing education of CASA  
19                   volunteers. The following considerations are essential to the  
20                   effective ongoing training and continuing education of CASA  
21                   volunteers:

22  
23                   (A) Ongoing training ~~shall~~ must be designed and presented to  
24                   maintain and improve the level of CASA volunteer  
25                   knowledge and skill and to keep volunteers up to date on  
26                   changes in law, local court procedure, the practices of other  
27                   involved agencies including the local child welfare agency,  
28                   CASA program policies, and developments in the fields of  
29                   child development, child abuse, and child advocacy;

30  
31                   (B) Ongoing training opportunities should be provided at least  
32                   monthly if possible, and CASA volunteers ~~shall~~ must  
33                   participate in at least 10 hours of continuing education in each  
34                   year of service;

35  
36                   (C)–(E) \*\*\*

37  
38                   ~~(h)~~(i)    **[Removal, resignation, and termination of a CASA volunteer]**

39  
40                   The CASA program ~~shall~~ must adopt a written plan for the  
41                   removal, resignation, or involuntary termination of a CASA  
42                   volunteer.  
43

- (1) A volunteer may resign or be removed from an individual case at any time by the order of the juvenile court presiding judge or a his or her designee.
- (2) A volunteer may resign from the program by submitting a written notice to the director of the program.
- (3) A volunteer may be involuntarily terminated from the program by ~~the court upon written application to the court by~~ the program director. ~~The court should determine by local court rule the procedure for acting on the application, including the procedure for filing a grievance.~~ Appropriate grounds for a volunteer's termination include, but are not limited to:
  - (A) Taking any action that endangers the child or is outside of the role or powers of the CASA program without prior consent of the program or the court;
  - (B) Initiating ex parte communication with the court;
  - (C) Violating a program policy, court rule, or law;
  - (D) Failing to demonstrate the ability to effectively carry out assigned duties;
  - (E) Falsifying his or her application or misrepresenting facts during the screening process;
  - (F) Having allegations of child abuse or neglect brought against him or her;
  - (G) Experiencing an irresolvable conflict of interest; and
  - (H) Misrepresenting oneself as a CASA volunteer on a case that is not assigned to that volunteer.
- (4) If the volunteer wants to appeal termination, he or she has a right to appeal under the program's grievance procedure.

**(i)(j)[CASA program administration and management]**

- (1) A CASA program ~~shall~~ must adopt and adhere to a written plan for effective and efficient program governance and evaluation. The



1 following considerations are essential to the effective governance  
2 of a CASA program:

3  
4 (A) The governance plan ~~shall~~ must be designed to best serve the  
5 underlying principles of the CASA concept. The plan ~~shall~~  
6 must include, if applicable, articles of incorporation, by laws,  
7 and a board of directors. Any CASA program that functions  
8 under the auspices of a public agency or private entity ~~shall~~  
9 must specify in its plan a clear administrative relationship  
10 with the parent organization and clearly delineated  
11 delegations of authority and accountability. No CASA  
12 program may function under the auspices of a probation  
13 department or department of social services. ~~Any CASA~~  
14 ~~program that is functioning under the auspices of a probation~~  
15 ~~department or department of social services on the effective~~  
16 ~~date of this rule must comply with this subdivision by July 1,~~  
17 ~~2001. Programs are prohibited from receiving funds from~~  
18 ~~probation departments, local child welfare agencies, and the~~  
19 ~~California Department of Social Services. This prohibition~~  
20 ~~does not extend to the receipt of federal funds that the~~  
21 ~~California Department of Social Services passes through to~~  
22 ~~another agency for distribution to local CASA programs. If~~  
23 ~~programs are currently receiving funds from local child~~  
24 ~~welfare agencies, probation departments, and the California~~  
25 ~~Department of Social Services, they must stop receiving such~~  
26 ~~funding by January 1, 2005.~~ The CASA program director of a  
27 program that functions under the auspices of a public agency  
28 or a private entity ~~shall~~ must appoint an active advisory  
29 council to:

- 30  
31 (i) Support the CASA program in its relations with the  
32 court and the community;  
33  
34 (ii) Assist in the development of community resources; ~~and~~  
35  
36 (iii) Provide advice and recommendations to the CASA  
37 program with regard to program goals and policies; and  
38  
39 (iv) Under judicial ethical guidelines, judges are prohibited  
40 from fundraising and therefore cannot sit on local CASA  
41 boards of directors; they may sit on advisory boards as  
42 long as their responsibilities do not include fundraising.  
43

- 1 (B) The governance plan ~~shall~~ must include a clear statement of  
2 the purpose or mission of the CASA program and express  
3 goals and objectives calculated to further its purposes;  
4
- 5 (C) The governance plan ~~shall~~ must include a procedure for the  
6 recruitment, selection, and hiring of a highly competent ~~chief~~  
7 ~~executive officer~~ executive director for the CASA program.  
8 Clear lines of authority among the presiding judge of the  
9 juvenile court, the governing body, and the ~~chief executive~~  
10 ~~officer~~ executive director ~~should~~ must be drawn, subject to  
11 the approval of the presiding judge of juvenile court; the ~~chief~~  
12 ~~executive officer~~ executive director's duties and  
13 responsibilities ~~should~~ must be delineated; and a mechanism  
14 for regular evaluation ~~should~~ must be specified in an  
15 employment agreement; ~~and~~  
16
- 17 (D) The governance plan ~~shall~~ must include a mechanism for a  
18 regular evaluation of program effectiveness and reevaluation  
19 of its goals and objectives; and  
20
- 21 (E) The governance plan must include clear policies to resolve  
22 conflicts between a volunteer and his or her program  
23 supervisor regarding the handling of a case, reporting of  
24 information, or the recommendations to be included in a  
25 report.  
26
- 27 (2) A CASA program ~~shall~~ must adopt and adhere to a written plan for  
28 effective and efficient program operations.  
29
- 30 (A) The operations plan ~~shall~~ must include an organizational chart  
31 with clear lines of authority to a governing body or official  
32 and to the presiding juvenile court judge, as applicable; and  
33
- 34 (B) The plan ~~should~~ must include preparation and maintenance of  
35 a program manual containing the policies and procedures  
36 indicated by these guidelines; initial and ongoing training  
37 materials; and such additional material as the CASA program  
38 may deem appropriate to the effective performance of its  
39 program functions. This manual ~~should~~ must be made  
40 available to the CASA volunteers and serve as their key  
41 reference source in undertaking and performing their duties.  
42

1 (3) A CASA program ~~shall~~ must adopt and adhere to a written plan for  
2 effective and efficient program management. The management  
3 plan ~~should~~ must include an administrative manual containing  
4 personnel policies, record-keeping practices, data collection  
5 practices, and other internal systems for ensuring high-quality  
6 administrative support for staff, CASA volunteers, juvenile court  
7 personnel, allied agencies, and others who collaborate in the work  
8 of the CASA program.

9  
10 (4) A CASA program ~~shall~~ must adopt and adhere to a written plan for  
11 effective and efficient fiscal control.

12  
13 (A) The fiscal plan ~~should~~ must include budgetary projections and  
14 a strategy for obtaining necessary funding to finance program  
15 operations;

16  
17 (B) The fiscal plan ~~should~~ must include policies and procedures,  
18 as applicable, to ensure the integrity and effective and  
19 economical use of funds appropriated, allocated, or donated  
20 in furtherance of the program's purposes; and

21  
22 (C) The fiscal plan ~~should~~ must include, ~~if applicable,~~ an annual  
23 audit ~~or fiscal review~~ conducted by a qualified professional  
24 consistent with generally accepted accounting principles and  
25 the audit protocols in the program's contract with the  
26 Administrative Office of the Courts.

27  
28 (5) \*\*\*

29  
30 (A)–(G) \*\*\*

31  
32 **(k) [Finance, Facility, and Risk Management]**

33  
34 (1) The CASA program must manage its affairs in accordance with  
35 sound financial practices and applicable federal, state, and local  
36 statutory requirements.

37  
38 (2) The CASA program must have a written budget that guides the  
39 management of its financial resources. In implementing this  
40 requirement, the CASA program should be guided by the  
41 following goals:  
42

1                   (A) The budget is based on funding anticipated during the  
2                   program year;

3  
4                   (B) The budget is based on fixed and incremental costs of  
5                   operating the CASA program and identification of potentially  
6                   changing costs and conditions;

7  
8                   (C) The budget is reviewed and, when appropriate, approved by  
9                   the governing body prior to the beginning of the fiscal year;  
10                  and

11  
12                  (D) The governing body reviews and, when appropriate, approves  
13                  all planned deviations from and revisions to the budget.

14  
15                  (3) The CASA program must procure adequate financial resources and  
16                  manage them prudently in order to support its provision of  
17                  services. In implementing this requirement, the CASA program  
18                  should be guided by the following goals:

19  
20                  (A) The CASA program seeks to diversify and balance its sources  
21                  of funding.

22  
23                  (B) The CASA program maintains its tax-exempt status, if  
24                  applicable.

25  
26                  (C) The CASA program seeks to conserve its fiscal resources by:

27  
28                          (i) Taking advantage of benefits allowed tax-exempt  
29                          organizations, when applicable;

30  
31                          (ii) Maintaining sound policies regarding purchasing and  
32                          inventory control; and

33  
34                          (iii) Using competitive bidding, where applicable, in accord  
35                          with board policy and law or regulation.

36  
37                  (4) The CASA program must be accountable to its governing body.

38  
39                  (5) An audit of the CASA program and, if relevant, the private entity  
40                  under which the CASA program operates must be performed  
41                  within six months of the end of the fiscal year by an independent  
42                  certified public accountant approved by the governing body or

1 voluntary board. In implementing this requirement, the CASA  
2 program should be guided by the following goals:

3  
4 (A) A designated committee of the board of directors, such as a  
5 financial or audit review committee, or a designated member  
6 of the board of directors reviews the audit's findings, upon its  
7 completion, and meets with the independent auditor as  
8 necessary;

9  
10 (B) The auditor's report is reviewed and formally approved or  
11 accepted by the board of directors and made available for  
12 public inspection;

13  
14 (C) When a management letter has accompanied the audit, the  
15 non-profit CASA program's governing body, or voluntary  
16 board of directors promptly reviews and insures that  
17 management acts on its recommendations; and

18  
19 (D) The CASA program assures that an annual report is available  
20 summarizing financial, statistical, and service data  
21 information.

22  
23 (6) The CASA program must receive, disburse, and account for its  
24 funds in accordance with sound financial practices and generally  
25 accepted accounting principles. In implementing this requirement,  
26 the CASA program should be guided by the following goals:

27  
28 (A) The CASA program adheres to written operational procedures  
29 in regard to accounting control when the program has the  
30 authority. These procedures include:

31  
32 (i) Descriptive chart of accounts;

33  
34 (ii) Prompt and accurate recording of revenues and  
35 expenses;

36  
37 (iii) Safeguarding and verification of assets;

38  
39 (iv) Control over expenditures; and

40  
41 (v) Separation of duties to the extent possible.

42  
43 (B) The review and monitoring of the CASA program's fiscal

1 management is delegated to its governing body, voluntary  
2 board of directors, or to the appropriate committee or entity  
3 when the program is under public auspices.  
4

5 (C) The CASA program makes timely payments to the Internal  
6 Revenue Service and to other taxing authorities, as required  
7 by law.  
8

9 (D) The CASA program uses the cash method of accounting, if  
10 applicable, and ensures the segregation of restricted funds.  
11

12 (E) When the CASA program has the authority, its policies and  
13 procedures require that:  
14

15 (i) All personnel with fiscal responsibilities are oriented to  
16 the bookkeeping system and are retrained with regard to  
17 any changes; and  
18

19 (ii) Systems such as control, use, and review of the system  
20 by more than one person, are in place to prevent or to  
21 detect fraud or abuses of the system.  
22

23 (F) The CASA program's accounting records are kept up to date  
24 and are balanced on a monthly basis.  
25

26 (G) Statement receipts and disbursements are reconciled to the  
27 general ledger on a monthly basis.  
28

29 (7) The CASA program's board of directors must set policies and  
30 exercise control over fundraising activities carried out by its  
31 employees and volunteers. In implementing this requirement, the  
32 CASA program and, when relevant, the private entity under which  
33 the CASA program operates should be guided by the following  
34 goals:  
35

36 (A) Conducting solicitations of individuals, groups, corporations,  
37 and other potential funders in an ethical manner.  
38

39 (B) Providing potential funders with an accurate description of  
40 the program, its purpose and services, and the financial needs  
41 for which the solicitation is being made.  
42

1 (C) Spending funds for the purposes for which they were  
2 solicited, except for reasonable costs for administration of  
3 fundraising activities.

4  
5 (D) Determining the costs and benefits of each of its fundraising  
6 activities and ensuring that the ratio of fundraising costs to  
7 dollars raised is reasonable.

8  
9 (E) Establishing controls on processing and acknowledging  
10 contributions in accordance with applicable laws.

11  
12 (8) The CASA program must operate from offices that provide a safe,  
13 well-maintained physical environment for its personnel,  
14 volunteers, and visitors. In implementing this requirement, the  
15 CASA program should be guided by the following goals:

16  
17 (A) The CASA program's premises and equipment are safe and  
18 functional.

19  
20 (B) The CASA program maintains a work environment for its  
21 personnel and volunteers that is conducive to effective  
22 performance.

23  
24 (C) The CASA program's facilities are in full compliance with  
25 applicable fire safety codes and regulations.

26  
27 (9) The non-profit CASA program must plan for the disposition of  
28 property and confidential records in the event of its dissolution.  
29 The program must comply with the CalCASA (California CASA  
30 Association) protocol on the disposal of all confidential records,  
31 including children's case files.

32  
33 (10) The CASA program must protect its physical, human, and  
34 financial resources by evaluating and preventing or reducing the  
35 risks to which they are exposed. In implementing this requirement,  
36 the CASA program should be guided by the following goals:

37  
38 (A) The CASA program has liability protection for staff and  
39 volunteers through the court, state statute, or private  
40 insurance coverage.

41  
42 (B) The governing body has responsibility for determining the  
43 extent and nature of the liability protection needed for

1 personnel and volunteers, when applicable laws are unclear or  
2 silent.

3  
4 (C) The CASA program evaluates and reduces its potential  
5 liability by:

6  
7 (i) assigning the risk management function to a person or  
8 committee whose job description includes responsibility  
9 for risk management policies and activities;

10  
11 (ii) ensuring that appropriate bonding, self-insurance, or  
12 external coverage is adequate to meet the potential  
13 liability of the CASA program;

14  
15 (iii) developing a process to identify risks in terms of their  
16 nature, severity, and frequency;

17  
18 (iv) avoiding risk through loss prevention and risk reduction;  
19 and

20  
21 (v) evaluating and monitoring the effectiveness of the risk  
22 management function.

23  
24 (D) The CASA program carries worker's compensation insurance  
25 and such other insurance as is deemed necessary based upon  
26 its evaluation of its risks and protects itself through means  
27 such as indemnification, participation in a risk-pooling trust,  
28 or external insurance coverage.

29  
30 (E) The CASA program requires that all persons with authority to  
31 sign checks, handle cash or contributions, or manage funds to  
32 be bonded or that the program maintain appropriate insurance  
33 coverage to cover losses that may be incurred.

34  
35 (F) The CASA program informs the members of its governing  
36 body and its officers, employees and volunteers of the amount  
37 and type of coverage that is provided on their behalf by the  
38 program.

39  
40 (G) The CASA program annually reviews its insurance coverage  
41 with its insurance carrier to ensure adequate coverage.  
42



1                   (H) When CASA personnel and volunteers transport children the  
2                   CASA program requires passenger coverage, at an amount on  
3                   the driver's automobile liability insurance policy  
4                   recommended by the agency and conducts periodic checks on  
5                   the validity of driver's licenses.

6  
7                   (I) The CASA program requires staff, volunteers, and members  
8                   of the governing body, when applicable, to immediately  
9                   notify the CASA program of any criminal charges.

10  
11                  (J) Licenses or other evidence of compliance are prominently  
12                  displayed.

13  
14       **(I) [Public relations]**

15  
16                  (1) The CASA program must conduct outreach to its communities and  
17                  other agencies about the program.

18  
19                  (2) The CASA program must inform the community and service  
20                  providers about its program and of the needs of the children it  
21                  serves and cooperate with other agencies to plan for needed  
22                  programs for serving children. In implementing this requirement,  
23                  the CASA program should be guided by the following goals:

24  
25                          (i) The CASA program conducts an ongoing program of  
26                          public information and education to provide an  
27                          understanding of the program's purpose, function, and  
28                          place in judicial proceedings and the community social  
29                          service system.

30  
31                          (ii) The CASA program disseminates public information to  
32                          broaden awareness of the needs and problems of the  
33                          children it serves.

34  
35                          (iii) The CASA program makes known its role, functions,  
36                          and capacities to other agencies, community  
37                          organizations, governmental bodies, and corporations, as  
38                          appropriate to its services and as a basis for interagency  
39                          cooperation and coordination of services.

40  
41                          (iv) The CASA program works closely with local bar  
42                          associations, other child advocacy programs, community

1 service and civic groups, and businesses to accomplish  
2 its purposes.

3  
4 **(j)(m) [Confidentiality]** The presiding juvenile court judge and the CASA  
5 program director ~~shall~~ must adopt a written plan governing  
6 confidentiality of case information, case records, and personnel records.  
7 The written plan ~~shall~~ must include the following provisions ~~that~~:

- 8  
9 (1) All information concerning children and families in the juvenile  
10 court process is confidential. Volunteers ~~shall~~ must not give case  
11 information to anyone other than the court parties, their attorneys,  
12 and CASA staff;  
13  
14 (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.)  
15 to report any reasonable suspicion that a child is a victim of child  
16 abuse or serious neglect as described by Penal Code section 273;  
17  
18 (3) The original child's case file ~~shall~~ must be maintained in the  
19 CASA office by a custodian of records and remain there. Copies of  
20 documents needed by a volunteer must be restricted to those  
21 actually needed to conduct necessary business outside of the office.  
22 No one shall have access to that file except upon approval of the  
23 CASA program director or presiding judge of juvenile court.  
24 Controls must be in place to ensure that records can be located at  
25 any time. The office ~~shall~~ must establish a written procedure for  
26 the maintenance ~~and destruction~~ of case files; and  
27  
28 (4) The volunteer's personnel file is confidential. No one shall have  
29 access to the personnel file except the volunteer, the CASA  
30 program director or his or her designee, or the presiding judge of  
31 the juvenile court. Local court rules should determine standards  
32 and procedures for access by other parties, including the process  
33 by which such documents can be subpoenaed. The following types  
34 of written information must be filed in the volunteer's files;

35  
36 (i) identifying information and emergency contacts;

37  
38 (ii) the original application;

39  
40 (iii) the job description;

41  
42 (iv) reference documentation;  
43

1                    (v) security check documentation;

2  
3                    (vi) training records;

4  
5                    (vii) performance evaluations; and

6  
7                    (viii) oaths.

8  
9        ~~(k)~~**(n)**    **[Reports; service]**

10  
11            (1) Each court that has a CASA program ~~shall~~ must adopt a local rule,  
12            ~~effective on or before January 1, 2002,~~ specifying when CASA  
13            reports are to be submitted to the court, who is entitled to receive a  
14            copy of the report, and who ~~shall~~ must copy and distribute the  
15            report.

16  
17            (2) At least two court days before the hearing, the report ~~shall~~ must be  
18            distributed to the persons entitled to receive it.

19  
20                                    **Advisory Committee Comment**

21  
22            The Welfare and Institutions code, section 100 requires the Judicial Council to adopt  
23            program guidelines consistent with the guidelines established by the National Court  
24            Appointed Special Advocate (CASA) Association. The proposed revisions to rule 1424  
25            would integrate all but the Human Resources Management section of the National CASA  
26            Association's recently revised National Standards.